

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

SHEILA CLINE GIBSON,

Plaintiff,

v.

CIVIL CASE NO. 1:17-03699

NANCY A. BERRYHILL,
Acting Commissioner of the
Social Security Administration,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of findings and recommendations regarding disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Eifert submitted her Proposed Findings and Recommendation ("PF&R") to the court on July 27, 2018, in which she recommended that the district court remand this matter to the Commissioner of the Social Security Administration. Specifically, Magistrate Judge Eifert concluded that the decision 1) failed to fully consider plaintiff's functional limitations arising from her headaches and 2) did not analyze or explain its conclusions related to plaintiff's narcolepsy and her need to sleep during the day. ECF No. 11.

In accordance with the provisions of 28 U.S.C. § 636(b),

the parties were allotted fourteen days, plus three mailing days, in which to file any objections to the magistrate judge's PF&R. The failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. See Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Neither party has filed any objections to the PF&R within the seventeen-day period. Accordingly, the court adopts the factual and legal analysis contained therein, as follows:

1. The court **GRANTS** plaintiff's request for judgment on the pleadings to the extent that she requests remand of the Commissioner's decision, (ECF No. 9);
2. The court **DENIES** defendant's request to affirm the decision of the Commissioner, (ECF No. 10);
3. The court **REVERSES** the final decision of the Commissioner and **REMANDS** this action for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g); and
4. The court **DIRECTS** the Clerk to dismiss this matter from the court's docket.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to all counsel of record.

It is **SO ORDERED** this 6th day of September, 2018.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge